

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM CLARK

PLAINTIFF

v.

MARTIN HORN, ET AL.,

DEFENDANTS

NO.: 1:CV-01-0764

(JUDGE CALDWELL

JURY TRIAL DEMANDED

FILED
HARRISBURG, PA

JUL 22 2002

MARY E. DIANDREA

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MOTION TO IMPOSE SANCTIONS AGAINST "CORRECTIONS DEFENDANTS"

NOW COMES THE PLAINTIFF, WILLIAM CLARK, PRO SE, AND HEREBY REQUESTS THIS HONORABLE COURT GRANT THIS "MOTION FOR SANCTIONS AGAINST CORRECTIONS DEFENDANTS'."

STATEMENT OF CASE

A. IDENTITY OF THE PARTIES:

PLAINTIFF WILLIAM CLARK IS CURRENTLY INCARCERATED AT THE STATE CORRECTIONAL INSTITUTION AT ROCKVIEW.

THE DEPARTMENT OF CORRECTIONS EMPLOYEES NAMED AS DEFENDANTS ("CORRECTIONS DEFENDANTS") ARE, "MARTIN HORN, ROBERT MEYERS, AND LARRY LIDGETT," BY AND THROUGH THEIR ATTORNEY, JOHN J. TALABER, ASSISTANT COUNSEL FOR THE DEPARTMENT OF CORRECTIONS.

ADDITIONAL DEFENDANTS, NAMED "WEXFORD HEALTH SOURCES, INC.", AND "WEXFORD MEDICAL DIRECTOR, DR. JOHN SYMONS", ("WEXFORD DEFENDANTS"), BY AND THROUGH THEIR ATTORNEY, JAMES D. YOUNG, ESQ.

B. RELEVANT PROCEDURAL HISTORY.

ON DECEMBER 1, 1999 PLAINTIFF FILED AN "OFFICIAL INMATE GRIEVANCE" (SEE DC-804-ROC-0705-99)

ON AUGUST 10, 2001 PLAINTIFF FILED AN "OFFICIAL INMATE GRIEVANCE" (SEE DC-804-ROC-0541-01)

PLAINTIFF WILLIAM CLARK, PRO SE, FILED THIS COMPLAINT ON MAY 21, 2001. (SEE COMPLAINT (DOC #1))

ON JANUARY 2, 2002, PLAINTIFF SERVED "CORRECTIONS DEFENDANTS" WITH:
- A REQUEST FOR PRODUCTION OF DOCUMENTS (WHICH PLAINTIFF HAS CORRECTED ON

JUNE 11, 2002 (SEE PRAECIPE TO SUBSTITUTE).

ON FEBRUARY 4, 2002, "CORRECTIONS DEFENDANTS" SOUGHT AN ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFFS AFOREMENTIONED DISCOVERY REQUESTS. (SEE MOTION FOR ENLARGEMENT OF TIME (DOC #15)).

THE COURT, BY ORDER DATED FEBRUARY 9, 2002, GRANTED THE "CORRECTIONS DEFENDANTS" MOTION DIRECTING THEM TO RESPOND TO PLAINTIFFS DISCOVERY REQUESTS ON OR BEFORE MARCH 21, 2002. (SEE DOC #16)).

ON MARCH 21, 2002, "CORRECTIONS DEFENDANTS" SERVED PLAINTIFF WITH A RESPONSE TO HIS REQUEST FOR PRODUCTION OF DOCUMENTS. (DOC #19, EXHIBIT D).

ON MARCH 25, 2002, THE "CORRECTIONS DEFENDANTS" FILED A MOTION FOR A PROTECTIVE ORDER, WITH A SUPPORTING BRIEF AND DOCUMENTS. (DOC #17-19).

ADDITIONALLY, THAT SAME DAY THE "CORRECTIONS DEFENDANTS" FILED A MOTION FOR SUMMARY JUDGMENT. (DOC #25).

ON APRIL 12, 2002, PLAINTIFF FILED "BRIEF IN OPPOSITION TO CORRECTION DEFENDANTS' MOTION FOR A PROTECTIVE ORDER AND ALSO ENCLOSED LETTER TO THE COURT EXPLAINING HIS LEGAL AID PROBLEM.

ON APRIL 18, 2002, PLAINTIFF INITIATED THE PRODUCTION OF MEDICAL RECORDS TO PURSUE THE "DISCOVERY PROCESS."

ON APRIL 30, 2002 - "CORRECTION DEFENDANTS" FILE "CORRECTIONS DEFENDANTS' REPLY TO PLAINTIFFS BRIEF IN OPPOSITION TO THEIR MOTION FOR A PROTECTIVE ORDER." (HEREAFTER "CORRECTION DEFENDANTS REPLY")

ON MAY 15, 2002 PLAINTIFF FILED "PLAINTIFFS RESPONSE".

ON MAY 20, 2002, BY MEMORANDUM AND ORDER, THIS HONORABLE COURT DENIED THE CORRECTION DEFENDANTS' MOTION FOR PROTECTIVE ORDER AND DIRECTED DEFENDANTS HORN AND LIDGETT TO RESPOND TO PLAINTIFFS INTERROGATORIES WITHIN FORTY FIVE (45) DAYS.

THIS HONORABLE COURT IN ORDER, HAS ALSO AFFORDED PLAINTIFF THIRTY (30) DAYS FROM RECEIPT OF DEFENDANTS' DISCOVERY RESPONSE TO FILE AN APPROPRIATE RESPONSE TO CORRECTIONS DEFENDANTS' MOTION FOR SUMMARY JUDGMENT.

ON JUNE 2, 2002, "PLAINTIFF'S MOTION TO COMPEL DISCOVERY FOR PRODUCTION OF CORRECTIONS DEFENDANTS DOCUMENTS" FILED WITH THIS HONORABLE COURT.

ON JUNE 11, 2002, PLAINTIFF'S "BRIEF IN SUPPORT OF MOTION TO COMPEL DISCOVERY", WAS FILED WITH THIS HONORABLE COURT.

THIS PRESENT "MOTION TO IMPOSE SANCTIONS AGAINST "CORRECTIONS DEFENDANTS" FOLLOWS AND "BRIEF IN SUPPORT" THEREOF.

SINCE JAN 2, 2002 PLAINTIFF HAS BEEN TRYING TO OBTAIN DISCOVERY

GUARANTEED BY RULE 26. "GENERAL PROVISIONS GOVERNING DISCOVERY; DUTY OF DISCLOSURE." - RULE 33 INTERROGATORIES TO PARTIES (a) - (c) - RULE 34 "PRODUCTION OF DOCUMENTS..." (a) - (c)

PLAINTIFF AVERS: -

ALTHOUGH "CORRECTIONS DEFENDANTS" HAVE NOW PRODUCED FOUR HUNDRED AND EIGHT (408) PAGES OF MEDICAL RECORDS, DOCUMENTS ARE NOT COMPLETE AND FURTHER DISCOVERY IS NECESSARY AS WELL AS FURTHER INTERROGATORIES.

"CORRECTIONS DEFENDANTS" HAVE DISREGARDED DISCOVERY PROCESS PERTAINING TO RULE 26(a)(1)(A-D) - RULE 33 (a)(b)(c) - RULE 34.

ACCORDING TO RULE 33 (b)(3) "CORRECTIONS DEFENDANTS" HAD BEEN IN DEFAULT HOWEVER BY COURT ORDER MAY 20, 2002 - "CORRECTIONS DEFENDANTS" WERE GRANTED FORTY-FIVE (45) DAYS FROM ORDER TO ANSWER INTERROGATORIES.

"CORRECTIONS DEFENDANTS" ARE IN DEFAULT OF COURT ORDER MAY 20, 2002.

PLAINTIFF REQUESTS THIS HONORABLE COURT GRANT THIS "MOTION FOR SANCTIONS AGAINST "CORRECTIONS DEFENDANTS" AND: -

- 1.) GRANT PLAINTIFF THE AMOUNT OF ONE THOUSAND (\$1,000.00) DOLLARS FOR TIME, RESOURCES, AND THE AGGRAVATED MOTIONS AND BURDEN PLACED UPON HIM.
- 2.) THAT PLAINTIFF BE PROTECTED FROM THIS BURDEN AND ACTIONS.
- 3.) GRANT "PLAINTIFF'S MOTION TO COMPEL" FILED JUNE 2, 2002.
- 4.) "DISMISS CORRECTIONS DEFENDANTS' MOTION FOR SUMMARY JUDGEMENT" SO PLAINTIFF MAY PROCEED WITH DISCOVERY AND PROPER PROCESSES OF THIS INSTANT COMPLAINT.
- 5.) ACCORDING TO RULE 37 GRANT PLAINTIFF RELIEF.

WHEREFORE, ACCORDING TO FEDERAL RULES OF CIVIL PROCEDURE, AND UNDER RULE 37, PLAINTIFF INVOKES THIS HONORABLE COURTS JURISDICTION, AND PRAYS, THE AFOREMENTIONED REASON'S, "BRIEF IN SUPPORT OF MOTION FOR SANCTIONS", THAT THIS HONORABLE COURT GRANTS THIS "MOTION" AND SUCH OTHER RELIEF TO PLAINTIFF APPROPRIATE AS THIS HONORABLE COURT FEELS IS WARRANTED AND NECESSARY TO PRESERVE THE INTEGRITY OF THESE PROCEEDINGS.

DATE MAILED: JULY 17, 2002

RESPECTFULLY SUBMITTED:

William Clark

WILLIAM CLARK, PRO SE